

**RULES OF PROCEDURE****HISTORIC DISTRICT COMMISSION OF ROCKVILLE, MARYLAND****PART 1      SUMMARY AND DEFINITIONS**

1.1      These rules are issued to assist the Historic District Commission of Rockville, Maryland, its staff, other city agencies, and Rockville's citizens in the orderly and efficient conduct of all matters with which the Commission is concerned.

1.2      The Historic District Commission of Rockville seeks to foster and safeguard the heritage of the community by preserving the historic districts therein which reflect elements of its cultural, social, economic, political, archeological or architectural history; to stabilize and improve property values in such districts; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents of the community, and these rules shall be interpreted in order to achieve such objectives.

1.3      All actions of the Commission shall be governed by Article 66B of the Maryland Code, Chapters 16 and 25 of the Rockville City Code, adopted Architectural Design Guidelines (see below), and these rules.

1.4      The following terms used herein shall have the stated meanings:

- (a) "Appurtenances" and "environmental settings" include outbuildings, walks and driveways, mature trees, and established landscaping materials, landscape walls and structures, and open space [see Article 66B 8.01 (a)]
- (b) "Briefing materials" shall mean the applicant's submittals, recommendations of Planning staff and other pertinent papers or exhibits relating to each case to be heard at the hearing for which the material is prepared;
- (c) "Certificate of Approval" [COA] means the permission, with associated conditions noted, to proceed with a proposed project, issued by the City on behalf of the Commission, to be obtained prior to filing for any other required City permits, the conditions of which shall be reflected in the City permits;
- (d) "City Clerk" shall mean the Clerk of the City of Rockville;
- (e) "Commission" shall mean the five member Historic District Commission of the City of Rockville;
- (f) "Commissioner" shall mean a member of the Historic District Commission of the City of Rockville;

- (g) “Community Planning and Development Services” shall mean the Department that staffs the Historic District Commission;
- (h) “Criteria” shall mean the Historic District Criteria adopted by the HDC as the basis for the evaluation of historic significance or appropriateness, and used by the Commission in their determinations;
- (i) “Demolition” shall mean the removal of a structure from its site; or the removal of a sufficient portion of a structure such that the construction on the site will require an owner to meet the codes for new construction; and the willful neglect in the maintenance and repair of a structure;
- (j) “Emergency Meeting” shall mean a public meeting of the Commission that is called to respond to an urgent need that cannot be met through a regular monthly meeting, or by an advertised special meeting (as noted in these Rules);
- (k) “Guidelines” shall mean *Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts*, adopted by the Historic District Commission, September 1977;
- (l) “Historic District Commission” (also known as the “Commission”) shall mean the 5-member commission appointed by the Mayor and Council to help implement heritage preservation measures in the City of Rockville;
- (m) “Mayor and Council” shall mean the Mayor and Council of the City of Rockville, Maryland;
- (n) “Routine” or “Ordinary” maintenance shall mean work on a historic structure or the environmental setting that does not alter in any way the existing features of the property, including the architectural style, design, and general arrangement of the exterior, as well as the nature, texture, details, and dimensions of building materials, windows, doors, siding, etc. Removal of mature trees and shrubs, site grading, and installation of landscape features, such as walls and walks, are not considered “routine maintenance,” and shall be reviewed by the Commission;
- (o) “Special Meeting” shall mean a public meeting of the Commission, in addition to the regular monthly meeting;
- (p) “Staff” shall mean a preservation planner within the City of Rockville’s Department of Community Planning and Development Services;
- (q) “Standards” shall mean *The Secretary of the Interior’s Standards for the Treatment of Historic Properties, 1995*, published by the National Park Service, and adopted by the Mayor and Council and the Commission in 2004 as additional guidelines herewith; and

- (r) "Substantial Alteration" shall mean the addition to, or subtraction from, a structure such that the original massing, materials, design and ornamentation are removed or obscured.

## PART 2      GENERAL PROCEDURES FOR HISTORIC DISTRICT COMMISSION MEETINGS

### 2.1      Historic District Commission Meetings

- (a) All meetings of the Commission shall be public meetings. However, the Commission may, at its discretion, hold closed sessions subject to the State Government Article, Annotated Code of Maryland, Section 10-501 et.seq.
- (b) Regular meetings of the Commission shall be held on the third Thursday of each month, or as directed by the HDC and advertised on the published agenda. The meetings will begin at 7:00 p.m. at Rockville City Hall, and will adjourn at 10 p.m. and all remaining agenda items will be deferred to the next meeting unless the meeting is extended by the Chairperson.
  - (i) Special meetings may be called by the Chairperson on four days written notice to each Commissioner and shall be called by the Chairperson upon the written request of two members of the Commission. Special meetings, including organized field visits, may also be arranged at a scheduled public meeting, and will be considered advertised as per the minutes of that public meeting.
  - (ii) Emergency meetings may be called at the discretion of the Chairperson.
- (c) Each regular meeting shall be advertised through one or more of the following: once in a newspaper of general circulation in Montgomery County, Maryland, or once in the Rockville City newsletter, or by posting the agenda at City Hall, or by posting the agenda on the City's web page, or by posting a sign at the site. Such advertisement and posting shall take place approximately ten (10) days prior to the date of the proposed meeting.
  - (i) Special meetings shall be advertised or the agenda posted four (4) days in advance of the date of the proposed meeting. Posting on the City's web page will also be undertaken.
  - (ii) An emergency meeting shall be advertised by posting the agenda at City Hall, and on the City's web page, as soon as it is scheduled.
- (d) A copy of the agenda, staff reports, and relevant attachments shall be mailed to each applicant for a COA, or for a historic designation application. Meeting notices shall be mailed to adjacent, opposing and abutting property owners within a 1/4 mile radius of the subject property, at least seven days prior to the date of the proposed meeting.

- (e) A quorum shall consist of three members of the Commission, except that a lesser number may postpone a meeting to a specific date and time, which postponement need not be advertised. The revised meeting date will be publicly advertised, as per 2.1(d) of these Rules of Procedure.
- (f) The order of business shall be in accord with the agenda prepared by or under the direction of the Chairperson and shall be delivered to interested parties with briefing materials prepared by the Commission staff at least seven days before each scheduled meeting.
  - (i) Correspondence to the Commission will be included in the Commission's briefing material if it is submitted to the Department of Community Planning and Development Services no later than eight days prior to the scheduled meeting.
  - (ii) Commissioners who wish to add to the agenda shall notify the Chairperson prior to the meeting or as a first order of business at each meeting.
- (g) Questions put to a vote shall be decided by a majority of the members present and voting, assuming a quorum is present. No decision shall be made in the absence of a quorum. Proxy voting shall not be allowed. Commissioners' votes shall be recorded on each motion.
- (h) A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.
- (i) Any person is entitled to appear and be heard by the Commission before it reaches a decision on any matter. This shall include Commissioner applicants in the case of their own property. The voting on such decisions shall be held during public meetings, and the Commission shall keep an open record of its resolutions, proceedings, and actions which shall be available for public inspection during business hours at the office of the City Clerk and on the City website.
- (j) It shall be the duty of the Commission's staff to keep a true and accurate record of all proceedings at all meetings and public hearings. Minutes shall be typed and distributed to the individual members; and when approved by the Commission, maintained by the Commission staff. All files shall be available at each meeting of the Commission.
- (k) The disposition of all formal petitions and requests before the Commission requiring further action by the Mayor and Council shall be in writing to the Mayor and Council. The petitioner shall be notified by letter of action taken by the Commission.

## 2.2 Historic District Commissioners - Procedures

The Historic District Commission shall consist of five commissioners, appointed by the Mayor and Council, for a term of three years. The standing commission shall make a recommendation to the Mayor and Council for new commissioners and for the new chair.

The commissioners shall meet the standards for qualification, as set out in Article 66B, as adopted by the City of Rockville.

- (a) The officers of the Commission shall consist of a Chairperson, appointed by the Mayor and Council at the beginning of each fiscal year, who shall preside at all meetings, serving as Chairperson for one year. In the absence of the Chairperson, a Chairperson Pro Tempore shall be elected to preside at the meeting by a quorum of Commissioners present.
  - (i) The new Chair shall be appointed by the Mayor and Council, after receiving a recommendation from the standing Commission.
- (b) The Duties of the Chairperson shall be as follows:
  - (i) Preside at all meetings of the Commission;
  - (ii) Decide on all points of order and procedure subject to these rules unless overruled by a majority of Commissioners present;
  - (iii) Participate in discussions and vote on motions; and, must transfer the gavel to a Chair Pro Temp to formulate motions and otherwise assume the role as a Commissioner for the duration of the debate on the subject at hand. The Chair may not reassume its position until after the pending case is disposed of.
  - (iv) Have the right to designate Commissioners to write opinions;
  - (v) Direct staff to prepare an Annual Report of the work of the Commission for each fiscal year. This shall be submitted within one calendar month after the end of such period for approval and adoption by the Commission, after which, the report shall be submitted to the Mayor and Council; and
  - (vi) Have the authority to cancel or postpone a meeting for good cause.
- (c) It shall be the duty of each Commissioner to attend all meetings. Should any Commissioner be absent more than three times in any calendar year, the Commission may recommend to the Mayor and Council that such Commissioner's resignation be requested.

- (d) Each Commissioner shall attend one training session or workshop per year, which is certified by the Maryland Historical Trust as meeting the Certified Local Government requirements for yearly training.
- (e) A Commissioner will not appear before any group or body to speak for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, Commissioners will carefully indicate whether they are speaking for the Commission or for themselves.
- (f) Commissioners shall not engage in any business transaction in regard to which they have an advantage because of information gained through appointment to the Commission.
- (g) In the event an application is transmitted for review that, from a Commissioner's evaluation presents a conflict of interest, the complete application shall be returned to staff with the advice that the Commissioner is abstaining from the review because of a conflict of interest or the appearance of a possible conflict of interest.
- (i) Any Commissioner who has such an interest with respect to any application to be considered by the Commission shall absent himself or herself from the meeting during the discussion, review, and analysis of such application. The foregoing is applicable to any Commissioner who directly or indirectly represents or whose spouse, parents, children, or business associates, directly or indirectly, represent any organization on any matter that would financially or personally benefit such Commissioner or any organization such Commissioner represents.
- (h) Commissioners shall conduct themselves at Commission meetings in a fair, understanding, and gracious manner. They shall seek to be considerate of all individuals, attitudes, and differences or opinion involved in official Commission business.

### PART 3 APPLICATION FOR CERTIFICATE OF APPROVAL

3.1 Applications shall be governed by the provisions of Article 66B of the Annotated Code of Maryland, and the City Code of Rockville. The Commission shall review proposals for alterations at designated historic district sites, including alterations to appurtenances and the environmental setting.

3.2. Applications for a Certificate of Approval shall be filed with staff on or before the last Tuesday of the month preceding the regularly scheduled meeting of the Commission.

- (a) Applications shall be evaluated for completeness by staff upon receipt. Applications determined incomplete shall be returned to the applicant as soon as possible, with a detailed list of all missing information. Applications deemed complete shall be dated

and officially accepted by staff, at which time the 45-day review period prescribed by State law begins.

- (b) Applications shall be deemed complete when accompanied by photographs, drawings, and all applicable information requested on the Certificate of Approval application form.

3.3 A sign shall be posted at the subject property, indicating the action requested and date and time of the public hearing, after receipt of the completed application and at least one week prior to the date of the scheduled meeting.

3.4 The applicant may appear at a Commission meeting on his/her own behalf or through a representative. In the absence of any personal appearance on behalf of the applicant, the Commission will proceed to dispose of the matter on the record before it, or may table or defer the item and reschedule it at the Commission's discretion within the 45-day review period.

3.5 The ordinary, but not mandatory, order or procedure for the conduct of a public appearance for the consideration of each application shall be as follows:

- Introduction and summary of case by staff, including a staff recommendation;
- Statement by the applicant or his/her agent;
- Questions of applicant or agent by the Commission;
- Public comment;
- Cross-examination of speakers by the applicant, if requested;
- Applicant's rebuttal; and
- Consideration and vote by the Commission.

3.6 Within the 45-day review period prescribed by law, the Commission may postpone or continue any case due to a need for additional information from the applicant, lack of a quorum, or for further study. To continue an application review beyond the official 45-day review period, the applicant or owner must consent to a time extension.

3.7 Approval or disapproval of any application shall be made upon motion, which motion shall state the reasons for approval, disapproval, or approval with conditions. The Commission shall review the information presented and make its decision to approve, disapprove, or approve with conditions, based on the City's adopted *Guidelines, The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995*, and design guidelines adopted for the particular district, as applicable. If there are apparent contradictions, the district-specific guidelines shall rule.

3.8 Approval by the Commission of any application, and issuance of a Certificate of Approval by the City on behalf of the Commission, shall not obviate the necessity of obtaining building or other permits from appropriate City departments, nor shall it affect any requirement of compliance with all applicable Federal, Maryland, Montgomery County, or City of Rockville zoning, building, electrical, plumbing, or other codes or procedures.

PART 4      PROCEDURES FOR A COURTESY REVIEW HEARING

4.1      The Commission may provide a Courtesy Review of proposed work prior to the formal submission of an application for a Certificate of Approval.

- (a)      The noticing for a Courtesy Review shall follow that of the Certificate of Approval, as described in these Rules of Procedure.
- (b)      The order of conduct for a Courtesy Review shall follow that of a Certificate of Approval.
- (c)      The guidance provided by the Commission shall be preliminary, intended to guide the applicant to a Certificate of Approval that follows all applicable guidelines.

PART 5      PROCEDURES FOR CONSULTATION WITH STAFF AND STAFF LEVEL APPROVALS

5.1      Staff may meet informally with an applicant, or his/her agent, during the process of developing a complete Certificate of Approval application to provide guidance on the design of a project, ordinary and routine maintenance, demolition and substantial alteration, and other items relating to historic preservation in the City.

5.2      Staff may approve the removal of trees and alterations to, or installation of, fences that meet the adopted *Guidelines* and *Standards*. A Certificate of Approval will be issued, and a staff summary presented to the Commission at the next Commission meeting. All other alterations, that are not ordinary or routine, shall be reviewed and approved by the Commission.

PART 6      EVALUATIONS AND RECOMMENDATIONS FOR HISTORIC DISTRICT DESIGNATION

6.1      An evaluation of historical, architectural, cultural, social, or archaeological significance for historic designation may be requested by the property owner or another interested party, or be initiated through a filing for demolition or substantial alteration when a building is, as a general guide, 50 years of age or possessing architectural significance, or is a site associated with a person or event of importance to local, state, or national history or development, as required by the City's adopted *Environmental Guidelines*.

- (a)      Notification procedures proscribed for an application for a Certificate of Approval will apply to an evaluation of significance.

6.2      Historic research will be presented to the Commission using a Maryland Historical Trust Historic Sites Inventory form (MHT form), with photographs, history, and architectural



description of the property, in the briefing material. The MHT form will be posted on the City's website.

6.3 At the meeting, the Commission will hear public testimony and a staff recommendation on the historical, architectural, cultural, social, or archaeological significance of the nominated property.

6.4 The Commission will render a recommendation of historic district eligibility to the Mayor and Council citing the adopted Criteria within the 45-day review period.

#### PART 7 PROCEDURES AFFECTING PROPERTY INCLUDED OR ELIGIBLE TO BE INCLUDED IN THE NATIONAL REGISTER OF HISTORIC PLACES

7.1 Prior to nomination of any property to the National Register, the Commission shall place such nomination on its agenda for discussion and action.

(a) A copy of the agenda shall be sent to each property owner whose property is proposed for the National Register.

(b) Notification procedures for the Certificate of Approval will be followed.

7.2 Procedural rules regarding Federally funded, Federally permitted or assisted, or Federally licensed activities that have the potential to impact properties listed, or eligible to be listed, in the National Register of Historic Places are found in 36 CFR, Part 800 entitled "Procedures for Protection of Historic and Cultural Properties" and Executive Order 11593, "Protection and Enhancement of the Cultural Environment." These procedures apply to Federal agencies only, and do not apply to municipal governments unless the Federal agency and State Historic Preservation Office, and municipality specifically agree that the municipality will take on the responsibility. Consultation with the Maryland Historical Trust is recommended.

#### PART 8 PROCEEDINGS ON GRANT APPLICATIONS

(Reserved)

#### PART 9 APPEALS

9.1 Any person aggrieved by any decision of the Commission may appeal the same to the Circuit Court for Montgomery County. Such appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

PART 10      MISCELLANEOUS

10.1    The Commission shall act promptly on all matters referred to it by the Mayor and Council in accordance with Article 66B, Sections 8.01 through 8.15 of the Annotated Code of Maryland, and the Rockville City Code.

10.2    These rules may be amended by a majority of the entire Commission at any meeting of the Commission after the amendment in written form has been introduced at a prior meeting.

10.3    These rules shall become effective upon recommendation by the Commission.

Adopted January 18, 1977

Revised April 15, 1986

Revised August 30, 1994

Revised March 17, 1998.

Adopted April 21, 1998.

Revised and Adopted November 20, 2003

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